IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23402 of 2004

Between:

Smt.S.Bhoolakshmi W/o.Naga Babu, Bus Owner,
R/o.Near TTD Kalyana Mandapam Balaji Cheruvu,
Kakinada, East Godavari Dist.

..... PETITIONER

AND

1 The Deputy Transport Commissioner&Secretary,
Regional Transport Authority

East Godavari Dist at Kakinada,
2 Motor Vehicles Inspector
Kakinada, East Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent herein in not issuing the Fitness Certificate in respect of the petitioner's idle contract carriage bearing Registration No.AP.05/U.2839, pursuant to her application dt 2-12-2004 as arbitrary, illegal and contrary to law and consequently direct the 2nd respondent to issue fitness certificate while directing the respondents to permit the petitioner to resume service of the said vehicle forthwith;

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION No. 23402 of 2004

ORDER:

For not issuing the Fitness Certificate in respect of petitioner's Idle Contract Carriage vehicle bearing Regn. No.AP.05/U.2839, pursuant to her application dated
02-12-2004, the present writ petition is filed.

2. The petitioner has made an application, as required under Rule 108 of the Andhra Pradesh Motor Vehicle Rules, 1989 (for brevity 'Rules, 1989), before the 2nd respondent, for issuance of Fitness Certificate to his Idle Contract Carriage vehicle. But the 2nd respondent has not passed any orders even though the petitioner paid necessary fee in respect thereof. Hence, this writ petition.

3. Rule 108 of the Rules, 1989 empowers the 2nd respondent to grant/renew the Certificate of Fitness to a motor vehicle.

4. Having regard to the fact that the respondent-Motor Vehicles Inspector who is empowered to grant/renew the Certificate of Fitness to a motor vehicle under the provisions of Rule 108 of the Rules, 1989, has not passed any order on the application submitted by the petitioner for issuance of such a Certificate, I deem it appropriate to direct the 2nd respondent to consider the application of the petitioner for issuance of Fitness Certificate in respect of his vehicle bearing Regn. No.AP.05/U.2839 and pass appropriate orders thereon in accordance with the Andhra Pradesh Motor Vehicle Rules, 1989, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

_____

December 16, 2004

Kvr
TO

1 The Deputy Transport Commissioner&Secretary,
Regional Transport Authority,

East Godavari Dist at Kakinada,
2 The Motor Vehicles Inspector,
Kakinada, East Godavari Dist.

3 Two C.Cs. to G.P. for Transport,

High Court buildings,

High Court of A.P.,

Hyderabad (O.U.T.)

4 Two C.D. Copies.